IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 75 OF 2000.

1. State of Goa through
   its Chief Secretary,
   Secretariat, Panaji.
2. Chief Electrical Engineer,
   Government of Goa, Vidyut
   Bhavan, 3rd Floor,
   Panaji.
3. Executive Engineer,
   Division III, Electricity
   Department, Curti, Ponda.
4. Assistant Engineer,
   Division III, Electricity
   Department, Curti, Ponda. ... Applicants.

Versus

Shivam Ispat Pvt. Ltd.,
333-335, Industrial
Estate, Kundaim, Ponda. ... Respondents.

Mr. H.R. Bharne, Government Advocate for the Applicants.

Mr. V.B. Nadkarni, Senior Advocate with Mr. Y.V. Nadkarni, Advocate for the Respondents.

Coram: P.V. HARDAS, J.

Date: 11th October 2002.

ORAL JUDGMENT.

This Civil Revision Application has been filed against the Judgment of the IInd Additional District Judge, Panaji, dated 6th March 2000, in Miscellaneous Civil Appeal No. 164 of 1999, whereby the learned lower appellate Court dismissed the appeal and confirmed the Order of the learned trial Court granting temporary mandatory injunction directing the defendants/appellants to restore supply of electric energy to the plaintiffs/respondents' establishment until further orders and the relief of temporary injunction

restraining the appellants from encashing the bank guarantee. The aforesaid Miscellaneous Civil Appeal had been filed against the Order of the learned trial Court dated 24th November 1999 in Civil Miscellaneous Application Nos. 228 and 232 of 1999 arising in Special Civil Suit No. 35/99/A.

2. When the matter was called out, Mr. Bharne, the learned Government Advocate appearing for the applicants, has very fairly stated that the learned Single Judge of this Court in his Judgment dated 29th August 2002 in Civil Revision Application No. 803 of 1996 has held that revisions arising against the Judgment of the learned lower appellate Court on Orders passed by the learned trial Court deciding applications under Order XXXIX, Rule 1 of the Code of Civil Procedure are not maintainable.

3. In view of the Judgment of the learned Single Judge in **Nagorao alias Arun s/o Narayan Yerawar and others v. Narayan s/o Nagan Yerawar and another** (supra), the present Civil Revision Application is dismissed as not maintainable with no order as to costs.

(P.V. HARDAS)
JUDGE.

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